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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIKA ORTEGA,

Defendant and Appellant.

D062488

(Super. Ct. No. SCD239769)

APPEAL from a judgment of the Superior Court of San Diego County, Laura W. Halgren, Judge. Affirmed.

I.

INTRODUCTION

Erika Ortega pled guilty to one count of attempted arson of an inhabited structure (Pen. Code, §§ 664/451, subd. (b))¹ and two counts of felony child abuse (§ 273a, subd. (a)). The trial court sentenced Ortega to the midterm of four years on count 2 and imposed concurrent terms on the other counts. We affirm the judgment.

¹ Further statutory references are to the Penal Code.

II.

BACKGROUND

Ortega was charged with one count of attempted arson of an inhabited structure (§§ 664/451, subd. (b); count 1); three counts of felony child abuse (§ 273a, subd. (a); counts 2, 3, 4); two counts of false imprisonment (§ 236; counts 5, 6); one count of arson of property (§ 451, subd. (d); count 7); one count of false reporting of an emergency (§ 148.3, subd. (a); count 8); and one count of false reporting of a crime to a police officer (§ 148.5, subd. (a); count 9).

Pursuant to a plea bargain, Ortega pled guilty to counts 1, 2, and 3 in exchange for a sentence to be determined by the court, and dismissal of the remaining charges. The court had indicated that it would not impose a sentence longer than six years.

As the factual basis for her plea, Ortega admitted to willfully, maliciously and unlawfully attempting to set fire to and burn an inhabited structure (count 1), and to willfully injuring and causing her two children to be inflicted with unjustifiable pain and suffering (counts 2 and 3).

The trial court denied probation and sentenced Ortega to the midterm of four years on count 2, which the court selected as the principal term. The court imposed a four-year concurrent term on count three, and a two-year concurrent term on count 1.

Ortega filed a timely notice of appeal.

Ortega's appointed appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We invited Ortega to file a brief on her own behalf, but she has not responded.

III.

DISCUSSION

Ortega's counsel presents no argument for reversal, but asks this court to review the record for error, as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel lists as a possible, but not arguable, issue: "Is appellant's negotiated plea in exchange for [an] indicated maximum sentence of six years constitutionally valid?"

A review of the record pursuant to *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, including the possible issue listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues. Ortega has been competently represented by counsel in this appeal.

IV.

DISPOSITION

The judgment is affirmed.

AARON, J.

WE CONCUR:

NARES, Acting P. J.

McDONALD, J.